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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,513	01/10/2001	Rainer Ludwig	HOE522	8395

7590  
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07/16/2002

EXAMINER

HARRIS, CONNIE

ART UNIT PAPER NUMBER

2837

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/758,513

Applicant(s)

LUDWIG, RAINER

Examiner

Connie R Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 11-38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

**FIRST ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Huber et al US Patent No. 6,130,516.

**Claim 1:** Huber et al teaches a monitoring device for checking for a predefined position of a body or for checking for the presence of a body with a pivotal checking element (34), a motor (20) for driving the checking element (34) and a housing (16) for accommodating the motor. A seal (30) is between the checking element (34) and the housing (16) around a shaft (26) by means of the checking element (34) driven (See Fig. 1).

**Claim 2:** All of the limitations of claim 1 are met by Huber et al, with respect to claim 2, Huber et al teaches the seal (30) abuts on the checking element (34) and abuts on the housing (16) (See Fig. 1).

**Claim 3:** All of the limitations of claim 1 are met by Huber et al, with respect to claim 3, Huber et al teaches the seal (30) is formed symmetrically about an axis.

**Claim 4:** All of the limitations of claim 1 are met by Huber et al, with respect to claim 4, Huber et al teaches the seal (28) is seated between the checking element (34) and the housing (16) co-

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axially relative to the shaft (26) (See Fig. 1).

**Claim 5:** All of the limitations of claim 1 are met by Huber et al, with respect to claim 5, Huber et al teaches an immediate space is formed between the shaft (26) and the seal (30) (See Fig. 1).

**Claim 6:** All of the limitations of claim 1 are met by Huber et al, with respect to claim 6, Huber et al teaches the seal (30) is adapted to be rotationally fixed relative to the checking element (34) (See Fig. 1).

**Claim 7:** All of the limitations of claim 1 are met by Huber et al, with respect to claim 7, Huber et al teaches the checking element (34) has a mounting element (10) for the seal (30) which the latter is adapted to be put in order to fix it non-rotationally on the checking element (34) (See Fig. 1).

**Claim 8:** All of the limitations of claim 7 are met by Huber et al, with respect to claim 8, Huber et al teaches the mounting element (10) is formed by a mounting ring (28) through which the shaft (26) is guided and which the seal (28) is adapted to be put (See Fig. 1 and Fig. 2).

**Claim 9:** All of the limitations of claim 7 are met by Huber et al, with respect to claim 9, Huber et al teaches an annular recess for accommodating the seal (28) is formed between the mounting element (10) and the checking element (34) (See Fig. 1 and Fig. 2).

**Claim 10:** A monitoring device in accordance with claim 1, an outer diameter of the seal (28) corresponds to the diameter of the checking element (34) (See Fig. 1 and Fig. 2).

#### ***Allowable Subject Matter***

2. Claims 11-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:

The prior art cited in its entirety fails to teach the following subject matters that are outlined in the claims below: In claim 11, the prior art fails to teach a seal with a packing ring. In claim 12, the prior art fails to teach a seal that has a collar with a V-shaped sealing lip. In claim 18, the prior art fails to teach that a control device is provided by means of the pivotal position and/or the speed and/or the torque are controllable. In claim 29, the prior art fails to teach that the control device has a digital angle transmitter for controlling the pivotal movement of the checking element. In claim 36, the prior art fails to teach that the stop means are provided for limiting the pivotal movement of the checking element.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Connie R Harris whose telephone number is 703-305-4747. The examiner can normally be reached on 8:30 a.m.-5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on 703-308-3370. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3329.

Connie R. Harris *CH*  
Examiner  
Art Unit 2837

*SHIH YUNG HSIEH*  
SHIH YUNG HSIEH  
PRIMARY EXAMINER